

REMARKS

Claims 1, 3-4, 7-9, 13-16, 18-30, 33-43, 45-49, 51-55, and 57-65 are pending. The Office Action rejects Claims 1, 3-4, 7-9, 13-16, 18-30, 33-43, 45-49, 51-55, and 57-65 under 35 U.S.C. § 103(a) as being unpatentable over EP Pat. App. No. 1006695 to Forsell ("Forsell") in view of U.S. Pat. No. 5,485,631 to Bruckert et al. ("Bruckert").

Applicants have made non-substantive clarifying amendments to several claims as set forth in the above listing of amended claims. These amendments are fully supported by the originally filed specification. New Claims 66-75 have been added and are fully supported by the originally filed specification. In light of the subsequent remarks, Applicants respectfully submit that the claims are in condition for allowance.

The Rejection under §103(a) is Overcome

The Office Action alleges that all of the pending claims are unpatentable under § 103(a) in view of the combination of Forsell and Bruckert. Applicants respectfully submit, however, that Forsell and Bruckert are not properly combinable.

The Office relies on Bruckert as curing admitted deficiencies of Forsell. However, the portion of Bruckert relied on in the Office Action teaches a mechanism applying to a very narrow beam antenna (VNBA). *See*, Col. 6 of Bruckert. In contrast, Forsell relates to GPRS technology. These technologies are entirely different and not properly combinable. In this regard, the VNBA taught by Bruckert cannot be added to the system taught by Forsell, as the VNBA would no longer be operable for its intended purpose. Accordingly, the Examiner's stated motivation to combine Forsell and Bruckert, "it would have been obvious to one of ordinary skill in the art at the time of the invention, to sue Bruckert et al.'s manifold antenna structure for reducing reuse factors in Forsell Mica's method and arrangement for transferring real time data in a packet radio network with the motivation being to respond with a resource allocation," is improper. More particularly, were the cited elements of Forsell and Bruckert combined in the manner asserted as obvious by the Office, the VNBA of Bruckert would not have maintained its respective properties or functions after being combined with Forsell.

As such, the Office may not combine Forssell and Bruckert. Since neither Forssell nor Bruckert is alleged to or teaches each of the features of the independent claims, the rejection of all of the pending claims under § 103(a) is overcome.

Forssell and Bruckert Fail to Teach or Suggest Features Claimed in the Independent Claims

In spite of the clear error of the Office in making the obviousness rejection, Applicants have further analyzed Forssell and Bruckert and submit that even were Forssell and Bruckert properly combinable, the combination still fails to teach or suggest each feature recited in the independent claims.

A. Independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45

With respect to each of independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45, the Office admits that Forssell does not expressly disclose allocating communications resources and instead relies on Bruckert. However, Bruckert explicitly teaches receiving a service request and responding to the service request with a resource allocation. *See*, Col. 6, lines 10-21 of Bruckert. Clearly, Bruckert teaches away from the embodiments claimed in independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45. In this regard, it will be noted that each of these claims recites that communication resources are allocated based on an indication embedded in a data block. A dedicated service request as taught by Bruckert is not an indication embedded in a data block. In this regard, Bruckert is explicitly taught to allocate a communication resource in response to a dedicated service request. Accordingly, Bruckert does not teach or suggest that communication resources are allocated based on an indication embedded in a data block.

Moreover, even when considering the disclosure of Forssell (assuming *in arguendo* that Forssell and Bruckert were actually properly combinable), Forssell does not cure the clear deficiencies of Bruckert. In this regard, the cited portions of Forssell disclose that a CV block is used to provide information on whether a mobile station has more RLC data blocks to be transmitted. Forssell does not teach or suggest allocation of communication resources based on the CV block as recited in independent Claims 1, 8,

14, 20, 31, 33, 38, 39, 44, and 45. Accordingly, even taken together, and overlooking the fact that Bruckert teaches away from allocating communication resources based on an indication embedded in a data block, the combination of Forssell and Bruckert does not teach or suggest allocation of communication resources based on an indication embedded in a data block.

In view of the foregoing, Applicants respectfully submit that Forssell and Bruckert, whether taken alone or in combination, do not teach or suggest each feature recited in independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45. Moreover, none of the other cited references, whether taken alone or in combination, cure the deficiencies of Forssell and Bruckert. Applicants therefore respectfully submit that independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45 are patentably distinct from the cited references, taken alone or in combination, such that the rejection is overcome. Applicants further respectfully submit that independent Claims 1, 8, 14, 20, 31, 33, 38, 39, 44, and 45 are in condition for allowance.

B. Independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57

With respect to each of independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57, the Office admits that Forssell does not expressly disclose “encode a data block” and instead relies on Bruckert. However, Bruckert explicitly teaches receiving a service request. Although this service request is taught to be “encoded with the identity of the originating VBNA,” it will be appreciated that the identity is encoded in a service request. See, Col. 6, lines 10-21 of Bruckert. Clearly, Bruckert teaches away from encoding a code representative of a length of a data queue embedded in a *data block*, as recited in independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57. In this regard, a dedicated service request as taught by Bruckert is not an indication embedded in a data block.

This distinction becomes apparent when considering the disclosure of the Applicants’ originally filed specification. For example, page 6, lines 10-15 of the specification recite:

Since the four bit field is sent with every packet, the base station is

constantly updated as to the situation in each mobile station. Accordingly, it can closely monitor the situation and adjust it over a very short time period to improve the utilization of its resources. This arrangement is much faster than the polling scheme because the information is provided in each packet without wasting bandwidth for the polling communications.

In this regard, in accordance with some example embodiments, a code representative of the length of the data queue is encoded and embedded in every data block transmitted to enable short term monitoring and adjustment of allocation of communication resources without requiring dedicated allocation request communications, such as polling. It will be appreciated that a dedicated service request as taught by Bruckert, like polling, is not a data block and suffers from the same deficiencies as noted regarding polling.

Accordingly, Bruckert does not cure the admitted deficiencies of Forssell and, in fact, teaches away from encoding a code representative of a length of a data queue embedded in a data block, as recited in independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57.

In view of the foregoing, Applicants respectfully submit that Forssell and Bruckert, whether taken alone or in combination, do not teach or suggest each feature recited in independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57. Moreover, none of the other cited references, whether taken alone or in combination, cure the deficiencies of Forssell and Bruckert. Applicants therefore respectfully submit that independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57 are patentably distinct from the cited references, taken alone or in combination, such that the rejection is overcome.

Applicants further respectfully submit that independent Claims 15, 21, 22, 32, 46, 50, 51, 52, 56, and 57 are in condition for allowance.

The Rejection of the Dependent Claims is Overcome

Because each of the dependent claims includes each of the recitations of a respective independent base claim, Applicants further submit that the dependent claims are patentably distinguishable from the cited references, taken alone or in combination, for at least those reasons discussed above. Accordingly, Applicants respectfully submit that the rejections of the dependent claims are overcome and the dependent claims are in

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condition for allowance.

CONCLUSION

In view of the amended claims and remarks presented above, it is respectfully submitted that all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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